

Appeal from decision of the Oregon State Office, Bureau of Land Management, rejecting over-the-counter noncompetitive lease offer OR 32916.

Affirmed.

1. Oil and Gas Leases: Applications: Description -- Oil and Gas Leases: Description of Land -- Oil and Gas Leases: Noncompetitive Leases

An over-the-counter noncompetitive oil and gas lease offer for acquired lands is properly rejected where no such lands exist as described. The filing upon appeal of an unsigned, undated public domain offer form bearing a corrected land description constitutes neither an offer nor an amendment, and thus it cannot be accepted by BLM for either purpose.

APPEARANCES: Fayette I. Bristol, pro se.

OPINION BY CHIEF ADMINISTRATIVE JUDGE PARRETTE

On September 15, 1981, Fayette I. Bristol filed with the Oregon State Office, Bureau of Land Management (BLM), an over-the-counter noncompetitive offer (OR 32916) to lease acquired lands for oil and gas. The 120 acres requested were clearly described therein as being within T. 12 S., R. 17 W., Willamette meridian.

On January 8, 1982, BLM rejected the application, correctly noting that the described township is not "surveyed public lands within the State of Oregon." ^{1/} Bristol filed an "appeal," asserting that the description should have read T. 12 S., R. 11 W., but that the "eleven" was inadvertently made to look like a "seventeen." Attached to the appeal was an unsigned, undated lease offer form for public domain bearing a corrected description.

^{1/} Since Bristol had filed an offer for acquired lands, BLM should more correctly have rejected it because it did not describe "surveyed acquired lands."

[1] BLM properly rejected appellant's offer. To any objective eye, the land was described on the offer as within T. 12 S., R. 17 W. There is no such parcel. 2/ Appellant bore the responsibility of furnishing a proper land description (Sam P. Jones, 45 IBLA 208 (1980)), and BLM is without authority to speculate about an offeror's true intentions or to alter an offer in order to make it valid. See B. D. Price, 34 IBLA 41 (1978). Accordingly, BLM could only reject the offer.

Appellant apparently attempted to correct the misdescription by filing upon appeal an unsigned lease offer on a "public domain" form, which bears a corrected land description. Since it was unsigned and undated, and on a different form, this document was neither a valid offer nor a valid amendment of the earlier offer, and thus it could not be accepted by BLM for either purpose. Of course, appellant may still refile a corrected lease offer for this parcel, but with priority only as of the date it is filed with BLM and, accordingly, subject to any intervening rights. NL Industries, Inc., 41 IBLA 38 (1979).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Bernard V. Parrette
Chief Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

James L. Burski
Administrative Judge

2/ The description would cover an area in the Pacific Ocean, if the rectangular survey were regarded as extending westward beyond the Pacific coast of Oregon.

